

United States District Court
Southern District of Alabama
Southern Division

Cynthia Mingo, as Personal
Representative of the Estate of Daniel
Mingo,

Plaintiff

City of Mobile,
Defendant

Case No. 1:12-CV-00056-KD-B
Hon. Kristi Dubose

FILED JAN 14 4:13 PM 4 50 USDC ALB

**Appeal to the Joint Stipulation for Dismissal
Motion to Reopen Case**

I would like to petition the court, asking that the stipulation of dismissal filed on December 10, 2012 be stricken and my case be reopened.

I would like to further state that the motion for dismissal of my case was not jointly agreed upon by me and my attorney Mr. Peter Mackey who took over the case after my son's original attorney H. Chase Dearman started having personal problems in 2012. I spoke with Mr. Peter Mackey on Saturday, December 8, 2012 and he informed me that he did not have enough evidence to win my case. I attempted to hire a new attorney on December 10, 2012, and after he reviewed my case he informed me that my case was dismissed with prejudice and there was nothing anyone can do to help me.

I was not informed of the court's decision to dismiss my case with prejudice, nor was I informed or made aware of the fact that there was an appeal process available to me.

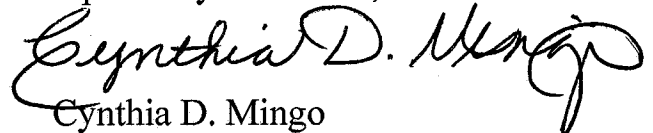
I feel that I have been totally misrepresented by my attorney Peter Mackey.

Having no knowledge of being able to file an appeal, with Holidays, weekends, and office closures; I, Cynthia Mingo am filing the appeal on my own behalf because I feel that the judge was not able to consider all the facts of my case because it was not accurately presented. I would like an opportunity to present new evidence, expert testimony, and explain my lawyers' error in the previous trial.

Therefore, I plead with the judicial system to reopen my case. Daniel Mingo was my only child. He was a 25 year old unarmed, mental health patient. He had no history of violence and no warrants. The officer stated that they knew him and had his license. He was chased down by multiple officers that assaulted, battered, used excess force and otherwise violated his Civil Rights. Their intentional, wanton and negligent conduct caused and/or contributed to my son Daniel Mingo being taken to the hospital where the officers proceeded to cover up the incident by stating that he was a John Doe and on drugs. (No drugs were found in his system) With due respect to the judicial system handling this case; My Son died at that hospital.

Mr. Mackey, I feel was not fully prepared or informed of all the details that Mr. H. Chase Dearman had. With the evidence giving and the new evidence I have to assist in proving my case, there is not a chance I would have agreed to dismiss this case.

Respectfully submitted,


Cynthia D. Mingo